were interested in defeating the Congress, the latter had emerged as the single largest party in the State. The next best party is the Communist Party which had secured 62 seats. If the Congress had secured less than 50 seats, then there could be some justification to say that the verdict of the people was against the Congress. In spite of the false and malicious propaganda carried on against the Congress, they were able to get 152 seats in the Assembly. The Opposition had the advantage of having remained only in opposition while the Congress had the disadvantage of having been in office and then fighting an election. The Opposition parties have been disappointed because they have not been able to sit on the Treasury Benches and we are not going to yield to them without a clear verdict. I say, once again, the verdict of the people is not against the Congress. It might be as the Chief Minister said that they did not get as many seats as we expected. That is a disappointment no doubt. But that is a different thing from saying that the verdict of the people had been clearly against the Congress and that they should not rule this State at all. On the other hand the single largest party which has been returned is the Congress with 152 Members. The next best party has got only 62 seats. If any Member is under the mistaken impression that the verdict of the people during the last general elections was against the Congress and therefore he should not express his confidence in the Congress or in the Ministry headed by the Hon. Sri Rajagopalachari, I wish to assure him that the verdict of the people was not against the Congress and that he may freely and with a clear conscience vote for this Motion.

" With this appeal, I would also make an appeal to my Socialist Friends. I know they are between the devil and the deep sea, and they have to choose between the two. There is no use in saying that if a no-confidence motion had been brought forward by the Opposition they would have voted with the Congress, and since this was a Motion for a vote of confidence brought by the party in power they would vote against it. That is not a practical attitude to take in dealing with this problem. Here is the Congress running the Government. Here is the Opposition with which they do not agree. And they have to make a choice between the two. I can very well understand their attitude if there has been any other choice, namely, if there has been a possibility of forming their own Government. Then it is a different matter."

SRI S. C. C. ANTHONY PILLAI :—" Sir, I would like to know which is the devil and which is the deep sea . . ."

* THE HON. SRI C. SUBRAMANIAM :—" The hon. Member can himself decide which is the devil and which is the deep sea, and come to a correct decision in this matter. With these words I commend the Motion to the House." (Cheers.)

### V.—DISQUALIFICATION OF A MEMBER.

MR. SPEAKER :—" Before I put the Motion to the vote of the House, I wish to know whether Sri Saka Venkata Rao is here." 7 p.m.

[3rd July 1952

AN HON. MEMBER :—" He is not here."

MR. SPEAKER :—" I suppose he is not going to vote."

SRI T. NAGI REDDI :—" He is not now in the House and so cannot vote."

MR. SPEAKER :—" I have received the following letter from the Election Commission addressed to the Secretary to the Legislative Assembly :—

'I am directed by the Election Commission to bring the following facts to the notice of the Hon'ble Speaker of the Madras Legislative Assembly for such action as he may think fit to take in the matter :—

(i) By a letter, dated the 2nd April 1952, Shri Saka Venkatarao applied to the Election Commission under section 7 (b) of the Representation of the People Act, 1951, for a reduction of the period of five years referred to in that section, in respect of his conviction for an offence under section 304 of the Indian Penal Code and sentence of rigorous imprisonment for seven years passed in 1942.

(ii) The Election Commission, after going through the judgment of the Sessions Judge in that case and considering all relevant circumstances, rejected Shri Venkatarao's application, and he was informed accordingly by letter, dated and issued on the 13th May 1952.

(iii) Despite these facts which render Shri Venkatarao disqualified for being chosen as, and for being, a member of the Madras Legislative Assembly, he has apparently been elected to fill the seat reserved for the Scheduled Castes in the Kakinada Constituency of that Assembly at the recent bye-election, and he has also been permitted to take his seat in the Assembly on the 28th June 1952.'

I wish to know whether the hon. Member, Shri Venkata Rao is here. (An hon. Member : 'He is not here.') If he votes, it will be at his own risk.

" Now, I will read the relevant Article of the Constitution, namely, Article 193 (1)—

'If a person sits or votes as a member of the Legislative Assembly or the Legislative Council of a State before he has complied with the requirements of Article 188, or when he knows that he is not qualified or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament or the Legislature of the State, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the State.'

I think, the hon. Member is not here."

## IV.—GOVERNMENT MOTION *RE* VOTE OF CONFIDENCE IN THE COUNCIL OF MINISTERS—*cont.*

MR. SPEAKER :—" I will now put the Motion to the vote of the House."

SRI P. RAMAMURTHI :—" I submit, Sir, the hon. Member was not here when you made this reference. But, if by any chance he comes later this relevant portion of the Constitution under which he cannot sit or vote, may be brought to his notice before he comes."

MR. SPEAKER :—" But, I do not know the gentleman; that is my difficulty. The question is—

'This House expresses its confidence in the Council of Ministers of which Sri C. Rajagopalachari is the Chief Minister.' "

The Motion was declared carried.